RECORD AND BRIEFS

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IN THE

Supreme Court of the United States

MASTERPIECE CAKESHOP, LTD.; AND JACK C. PHILLIPS,

Petitioners,

v.

COLORADO CIVIL RIGHTS COMMISSION; CHARLIE CRAIG; AND DAVID MULLINS,

Respondents.

On Writ of Certiorari to the Colorado Court of Appeals

BRIEF FOR THE TRANSGENDER LAW CENTER, SOUTHERNERS ON NEW GROUND, GSA NETWORK, AND TRANSLATINA NETWORK AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

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INTEREST OF *AMICI CURIAE*

The Transgender Law Center, Southerners on New Ground, GSA Network, and Translatina Network (collectively, "*amici*") are non-profit organizations that advocate for the rights of transgender and gender non-conforming ("TGNC") people. Each organization seeks to build broad coalitions to protect and promote the dignity, health, and economic well-being of the TGNC community.

Given their missions, *amici* have a strong interest in ensuring that public accommodation laws are not diluted or weakened. These groups represent TGNC people who fight and organize against day-to-day indignities and prejudices. As a result, they are uniquely familiar with the harassment, discrimination, and violence that can occur when public accommodation and antidiscrimination laws are nonexistent or are not enforced as written.

Additional information about *amici* may be found in the Appendix. Many of the narratives in this brief involve individuals who belong to *amici*'s organizations.[1]

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[1] Pursuant to Supreme Court Rule 37.6, counsel for *amici* certify that they authored this brief in its entirety and that no party or its counsel, nor any other person or entity other than *amici* or their counsel, made a monetary contribution to this brief's preparation or submission. The parties have consented, either through blanket consent or individual consent, to the filing of this brief.

SUMMARY OF ARGUMENT

Petitioners ask this Court to create a carve-out from antidiscrimination laws governing public accommodations that is without precedent. Such a court-made exception to otherwise generally applicable civil rights laws is certain to harm the vulnerable populations antidiscrimination statutes were meant to protect.

This is not the first time a business, open to all members of the public, has asked a court to create an exception to an otherwise valid and necessary civil rights protection based on freedom of speech or religious objections. Courts have long rejected broad First Amendment objections that sought to escape the strictures of generally applicable antidiscrimination laws. The Court should do the same here.

Much depends on the Court's decision in this case. A ruling in Petitioners' favor would not only harm same-sex couples seeking equality and basic access to the public marketplace; it would also undermine the equality and dignity of other groups, including the transgender and gender non-conforming ("TGNC") community. The TGNC community currently confronts severe and pervasive discrimination in almost every sphere. Some transgender individuals have been barred from access to so-called "expressive" services, like haircuts and clothing boutiques. Others are routinely denied housing, and many end up homeless. TGNC people also face systemic discrimination accessing health care. And TGNC adults and youth also face discrimination from essential commercial enterprises, like hotels,

banks, restaurants, and other establishments. Unfortunately, much of the existing discrimination is being undertaken in the name of religious objections in particular, or the First Amendment in general.

This rampant mistreatment in accessing even the most basic services imposes burdens the transgender community should not be made to bear. In many respects, the TGNC community is resilient and often finds ways to survive and thrive in the most difficult of circumstances. For example, Beverly, a transgender Latina woman who was refused a haircut at a salon based on religious objections, eventually obtained her cosmetology license and is working to open her own salon to provide other TGNC individuals with a safe space. *See Trans and Gender Nonconforming People Speak Out: Stories of Discrimination*, TRANSGENDER LAW CTR., https://transgenderlawcenter.org/legal/discrimination%20stories (last visited Oct. 25, 2017). Still, TGNC people should not have to endure discrimination at every turn. Rather, like everyone else, they should be free to live, grow, thrive, and participate in the U.S. economy free of discrimination.

Pervasive discrimination will only worsen if civil rights and antidiscrimination statutes are no longer enforced as written. Many communities depend on those laws in their day-to-day lives to protect access to housing, health care, and dignity. This Court should not countenance anything less than the full and fair enforcement of these antidiscrimination laws, including Colorado's Anti-Discrimination Act.

ARGUMENT

I. DURING THE 1960's AND 1970's, PROGRESS TOWARD RACIAL EQUALITY MET WITH RESISTANCE IN THE FORM OF FIRST AMENDMENT OBJECTIONS, WHICH THIS COURT RIGHTLY REJECTED

As groups in the United States have fought to overcome discrimination, a pattern has emerged: In the face of progress, holdout objectors often attempt to insulate their discriminatory conduct by invoking the First Amendment. That pattern is evident when viewing the resistance to racial integration and interracial marriage in the 1960's and 1970's.

As the movement for racial equality progressed, opponents raised various religious, expressive, or associational objections to racial integration. And, for a time, some courts accepted religious or expressive justifications for discrimination. Famously, for example, the trial judge who sentenced the Lovings under Virginia's antimiscegenation statute wrote:

> Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.

Loving v. Virginia, 388 U.S. 1, 3 (1967) (internal quotation marks omitted).[2]

Importantly, this Court disagreed. It did not accept the state court's religious rationale for discrimination. *Id.* at 12. Rather, it enforced the Equal Protection Clause according to its terms. *Id.* Nor did the Court remotely suggest that interracial couples could be denied services in the public marketplace—despite antidiscrimination laws—merely because individual opponents of interracial marriage

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[2] Indeed, at times throughout American history, courts have asserted religious bases to justify segregation, antimiscegenation laws, and even slavery. *See, e.g.*, *Naim v. Naim*, 87 S.E.2d 749, 752 (Va. 1955) (rejecting a challenge to Virginia's antimiscegenation law partly on grounds that "natural law" forbidding interracial marriage is "clearly divine"), *vacated and remanded*, 350 U.S. 891 (1955), *reinstated and aff'd*, 90 S.E.2d 849 (1956), *appeal dismissed*, 350 U.S. 985 (1956); *Berea Coll. v. Commonwealth*, 94 S.W. 623, 626 (Ky. 1906) (upholding school segregation on the grounds that racial separation was "divinely ordered"), *aff'd*, 211 U.S. 45 (1908); *Kinney v. Commonwealth*, 71 Va. 858, 869 (1878) (upholding a criminal conviction under Virginia's antimiscegenation statute because "the Almighty" meant for the two races to be "distinct and separate"); *Green v. State*, 58 Ala. 190, 195 (1877) (upholding antimiscegination law because God "has made the two races distinct"); *Scott v. State*, 39 Ga. 321, 326 (1869) (enforcing an interracial couple's criminal convictions and reasoning equality among races "does not in fact exist, and never can" because "[t]he God of nature made it otherwise"); *Scott v. Emerson*, 15 Mo. 576, 587 (1852) (rejecting Dred Scott's claim for freedom in part because "the introduction of slavery amongst us was[ ] in the providence of God").

held the same religious views as the state court that penalized the Lovings.

The same result should pertain in this case: The Court should enforce Colorado's Anti-Discrimination Act as written.

Over the years, this Court and others have enforced a variety of antidiscrimination provisions in the face of First Amendment objections.[3] For instance, Bob Jones University invoked the First Amendment as a basis both to exclude African Americans from its institution entirely and to prohibit interracial dating and marriage among students. *See Bob Jones Univ. v. Simon* (*Bob Jones I*), 416 U.S. 725 (1974) (evaluating tax consequences of university's prohibition of African Americans); *Bob Jones Univ. v. United States* (*Bob Jones II*), 461 U.S. 574 (1983) (reviewing similar implications of university policy that prohibited interracial dating and marriage on pain of expulsion). In both instances, Bob Jones University relied on its religious beliefs as a basis for

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[3] Some businesses and other groups have also attempted to use the First Amendment to justify discrimination on the basis of gender, and in particular, to restrict women's ability to fully participate in society. *See, e.g., Hishon v. King & Spalding*, 467 U.S. 69, 78 (1984) (dismissing the First Amendment defense of a law firm that discriminated on the basis of gender because discrimination "has never been accorded affirmative constitutional protections" (citing *Norwood v. Harrison*, 413 U.S. 455, 470 (1973))); *c.f.* Martha Minow, *Should Religious Groups Be Exempt From Civil Rights Laws*, 48 B.C. L. REV. 781, 801-07 (2007) (detailing the federal courts' treatment of religious justifications for gender discrimination by religious groups).

discrimination. *See, e.g.*, *Bob Jones II*, 461 U.S. at 579-82. Indeed, this Court observed that "[t]he sponsors of the University genuinely believe[d] that the Bible forbids interracial dating and marriage." *Id.* at 580. But the Court nevertheless held that those beliefs did not override the government's compelling interest in prohibiting racial discrimination. *See id.* at 595 ("Whatever may be the rationale for such private schools' policies, and however sincere the rationale may be, racial discrimination in education is contrary to public policy."); *see also id.* at 604 ("Th[e] governmental interest" in ending racial discrimination "substantially outweighs whatever burden denial of tax benefits places on petitioners' exercise of their religious beliefs. The interests asserted by petitioners cannot be accommodated with that compelling governmental interest.").

And Bob Jones University was not unique—numerous other schools and universities resisted racial integration, attempting to use the First Amendment as a shield to justify their discrimination. *See, e.g.*, *Green v. Connally*, 330 F. Supp. 1150, 1166 (D.D.C. 1971) ("The courts have rejected the First Amendment 'right of association' claims that have been interposed as objections to court orders ordering the termination of government financial support to segregated 'private' schools."), *aff'd per curiam*, *Coit v. Green*, 404 U.S. 997 (1971); *Goldsboro Christian Sch., Inc. v. United States*, 644 F.2d. 879 (4th Cir. 1981) (per curiam) (unpublished table decision), *aff'd*, *Bob Jones II*, 461 U.S. 574, 583 n.1 (rejecting the K-12 school's defense claiming that African Americans could be excluded from the school because

of its belief that "[c]ultural or biological mixing of the races is regarded as a violation of God's command").

Both before and after this Court's decision in *Loving*, some objected to providing interracial couples or racial minorities with services or accommodations, in much the same way that Petitioners object to serving Respondents. Often, those refusals were framed in First Amendment terms.[4] For example, in 1966 one restaurant owner contended that serving African-American customers "violate[d] his freedom of religion under the First Amendment 'since his religious beliefs compel him to oppose any integration of the races whatever.'" *Newman v. Piggie Park Enters., Inc.*, 256 F. Supp. 941, 944 (D.S.C. 1966) (rejecting First Amendment objection to the Civil Rights Act of 1964), *rev'd in part*, 377 F.2d 433 (4th Cir. 1967), *subsequently aff'd in part*, 390 U.S. 400 (1968). This Court deemed that argument "patently frivolous." *Newman*, 390 U.S. at 402 n.5.

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[4] *See* James M. Oleske, Jr., *The Evolution of Accommodation: Comparing the Unequal Treatment of Religious Objections to Interracial and Same-Sex Marriages*, 50 HARV. C.R.-C.L. L. REV. 99, 108-09 (2015) (discussing how, after the Court's decision in *Loving*, new antidiscrimination laws triggered litigation over "whether business owners who sincerely believed the separation of the races to be divinely ordained had a religious liberty in noncompliance"); *see also* Louise Melling, *Religious Refusals to Public Accommodations Laws: Four Reasons to Say No*, 38 HARV. J.L. & GENDER 177, 181 (2015) ("Indeed, this very debate" over religious accommodation "played out in the context of race and, to some degree, gender.").

This sort of discrimination is not entirely a thing of the past—interracial couples and families are still denied services and accommodations on account of their race and association to this day. *See, e.g., Murrell v. Ocean Mecca Motel, Inc.*, 262 F.3d 253 (4th Cir. 2001) (plaintiffs established a prima facie case of racial discrimination by hotel owner who refused to serve their interracial family). Indeed, individuals in some religious groups still believe that interracial marriage is "bad for society." Tobin Grant, *Opposition to Interracial Marriage Lingers Among Evangelicals*, CHRISTIANITY TODAY (June 24, 2011, 10:08 AM), http://www.christianitytoday.com/news/2011/june/opposition-to-interracial-marriage-lingers-among.html. Over time, though, courts have continued to enforce antidiscrimination laws as written—without employing broad First Amendment carve-outs. That enforcement has been vital to preserving inroads against the worst forms of discrimination. The same steadfast protection is equally important to the lesbian, gay, bisexual, transgender, and queer ("LGBTQ") community, to ensure that civil rights are protected.

The First Amendment protects an individual's right to disagree and debate. But it does not protect a business's ability to engage in discriminatory *conduct* in the public marketplace—which is at the heart of this case. *See, e.g., Rumsfeld v. Forum for Acad. & Inst. Rights, Inc.*, 547 U.S. 47, 65-66 (2006). As history teaches, robust antidiscrimination laws are sorely needed to protect marginalized communities from discrimination, even (and perhaps especially) in the face of First Amendment objections.

II. PETITIONERS' PROPOSED FIRST AMENDMENT EXCEPTION TO ANTIDISCRIMINATION LAWS WOULD SEVERELY HARM TRANSGENDER AND GENDER NON-CONFORMING INDIVIDUALS

Ensuring the robust enforcement of antidiscrimination laws is essential to TGNC individuals. The First Amendment exception proposed by Petitioners would subject the transgender community to increased discrimination as they attempt to access the most basic of services in the public marketplace. TGNC people should not be forced to endure such a burden. Artificial barriers to TGNC people's full participation in civil society should not be cemented by a newfound First Amendment carve-out.

Currently, transgender individuals confront discrimination that is severe and pervasive. In school, over three quarters of transgender youth are verbally abused or physically bullied. *See* Sandy E. James et al., NAT'L CTR. FOR TRANSGENDER EQUAL., *The Report of the 2015 U.S. Transgender Survey* 131 (2016), http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf. Other settings are rarely more welcoming. In places of public accommodation, including hotels, restaurants, buses, airports, and elsewhere, 53% of TGNC individuals reported being verbally harassed and 8% reported being assaulted or physically attacked at some point in their lives. Jaime M. Grant et al., NAT'L CTR. FOR TRANSGENDER EQUAL. & NAT'L GAY & LESBIAN TASK FORCE, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* 124 (2011),

http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf. Nearly one-third of TGNC individuals report having been discriminated against in public accommodations because of their transgender status *in the last year alone*. *See* James et al., *supra*, at 213. Rates of mistreatment are even higher for TGNC people of color. *Id.* at 212-23. And this pervasive discrimination has additional consequences, such as poverty: One report shows that transgender people are nearly four times more likely to have a yearly household income below $10,000 than the population as a whole. *See* CTR. FOR AM. PROGRESS & MOVEMENT ADVANCEMENT PROJECT, *Paying an Unfair Price: The Financial Penalty for Being LGBT in America* 4 (2014), https://www.lgbtmap.org/file/paying-an-unfair-price-full-report.pdf.

Like other communities that have faced discrimination and abuse, the TGNC community perseveres in the face of such unjust obstacles. Yet the pervasive abuse the TGNC community confronts accounts in part for the "alarmingly high rates of homelessness, unemployment and suicide for transgender people." Opinion, *The Quest for Transgender Equality*, N.Y. TIMES, May 4, 2015, https://www.nytimes.com/2015/05/04/opinion/the-quest-for-transgender-equality.html.

Discrimination can also be a matter of life or death. Murder rates among the TGNC community are climbing, particularly for transgender women of color. *See* Nick Adams, *GLAAD Calls for Increased and Accurate Media Coverage of Transgender Murders*, GLAAD: BLOG (Sept. 25, 2017), https://www.

glaad.org/blog/glaad-calls-increased-and-accurate-media-coverage-transgender-murders. As of the date of this filing, 21 transgender people have been murdered in 2017, and 19 of those were transgender people of color. *Id.*

In light of this pervasive bias and mistreatment, many jurisdictions now explicitly prohibit discrimination against transgender individuals. At least 19 states and the District of Columbia have enacted legal protections that expressly prohibit discrimination based on gender identity in the context of public accommodations. *See State Public Accommodation Laws*, NAT'L CONF. OF STATE LEGISLATURES (July 13, 2016), http://www.ncsl.org/research/civil-and-criminal-justice/state-public-accommodation-laws.aspx; N.Y. Comp. Codes R. & Regs. tit. 9, § 466.13 (2017). These laws ensure that TGNC people and other marginalized communities are able to participate equally in the public marketplace regardless of their race, gender, or status. As experience shows, these laws are needed—and they must not be gutted by exceptions based on asserted expressive or religious objections.

A. Discrimination in So-Called "Expressive" Services Is Pervasive

Discrimination against TGNC individuals in public accommodations is all too common. Most TGNC respondents to a recent survey reported experiencing some form of discrimination when attempting to access publicly available services. *See* Grant et al., *supra*, at 124. Many of these services or accommodations are precisely the type of "expressive"

transactions Petitioners argue are entitled to First Amendment protection. If these services are exempted from antidiscrimination laws, the TGNC community will be left vulnerable to severe and blatant discrimination.

Even a cursory review of experiences of anti-transgender discrimination demonstrates that robust protections are sorely needed, even in the so-called "expressive" sphere. Take Beverly, for instance. Beverly is a transgender Latina woman. *See Stories of Discrimination*, *supra*. She keeps her hair long and layered, with her hair framing her face. *Id.* Around 2012, Beverly made an appointment at a local salon to have her hair done. *Id.* Once her stylist learned Beverly was transgender, the stylist began making offensive comments to Beverly. *Id.* Ultimately, the stylist refused to cut Beverly's hair, citing religious objections. *Id.* Beverly left the hair salon feeling embarrassed and ashamed. Those feelings followed her for years, making it impossible for Beverly to visit a salon. *Id.* As a result, Beverly learned to cut her own hair and developed a passion for doing so. *Id.* She became a licensed hair dresser and is now working towards opening her own salon that will be welcoming to all people. *Id.*

Beverly is not the only person who has experienced this type of discrimination. Kendall Oliver is a U.S. Army veteran living in California. As a transgender male, Kendall dons a short, masculine haircut. *See* Complaint at ¶ 12, *Oliver v. Barbershop, R.C.*, No. CIVDS1608233 (Cal. Super. Ct., San Bernardino Cty. May 25, 2016) (explaining that Kendall's short hair was also more conducive to per-

forming military duties). In early 2016, Kendall made an appointment at a local barbershop. *Id.* at ¶ 14. When Kendall arrived at the shop, the barber refused to cut Kendall's hair because he perceived Kendall to be a woman. *Id.* at ¶¶ 15-18. The barber later justified his refusal to cut Kendall's hair on the basis of the Bible and his First Amendment rights. *See* Julie Zauzmer, *Barber Refuses to Cut Transgender Army Veteran's Hair, Citing Religious Views*, WASH. POST, Mar. 15, 2016, https://www.washingtonpost.com/news/acts-of-faith/wp/2016/03/15/barber-refuses-to-cut-transgender-army-veterans-hair-citing-the-bible/ (barber's explanation that the Bible says a woman's hair is her glory and he does "not want to take away any of her glory from her"). Because of California's antidiscrimination laws (which include protection for transgender individuals), Kendall was able to file suit. Kendall and the barber entered into a settlement, the terms of which required the shop to treat all customers equally. *See* Stipulated Final Judgment at 3, *Oliver* (Jan. 19, 2017), *supra*. Needless to say, if Petitioners' proposed exception were the law, Kendall would have had no legal remedy.

The transgender community also faces discrimination when accessing basic but arguably "expressive" goods and services requisite to daily life, such as clothing. Three years ago, Carolina D., a transgender Latina woman, went to a large department store in New York City for a day of shopping with two transgender friends. *See Stories of Discrimination, supra*. The women began browsing the clothing racks for dresses. *Id.* A short time later, a representative from the store approached the wom-

en. *Id.* The store representative pulled all three aside and informed them that the store was not for people like them and asked them to leave. *Id.* Carolina and her friends quickly exited the store feeling unsafe and unwelcomed. *Id.* This blatant discrimination is illegal under New York law.[5] *Id.* However, Carolina's rights and ability to be treated equally, like the rights of so many others, may be eviscerated if the Court were to rule for Petitioners.[6]

B. Discrimination in Housing Is Pervasive

TGNC individuals also face severe discrimination when seeking housing—one of the most basic and vital public accommodations imaginable. Nearly one-third of respondents to the 2015 U.S. Transgender Survey reported experiencing homelessness at some point in their lives. *See* James et al., *supra,* at 176. One in eight experienced homelessness in the past year alone on account of being transgender. *Id.* In addition, almost one-quarter of transgender individuals experienced some form of housing discrimination in the past year, such as being evicted from their homes or denied housing. *Id.* Undocumented individuals, people with disabilities,

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[5] N.Y. Comp. Codes R. & Regs. tit. 9, § 466.13 (promulgated in 2016 to prohibit discrimination on the basis of gender identity).

[6] *See also* Complaint at ¶¶ 25-26, *Datta v. Jan's Boutique*, No. L-4849-12 (N.J. Super. Ct. Nov. 13, 2012) (alleging that a security guard forced a transgender woman to leave a clothing boutique because the salesperson was "uncomfortable" with the transgender customer).

and people of color were more likely to have been evicted in the past year based on their transgender status. *Id.* at 180. More than one-quarter of transgender individuals who were homeless in the past year avoided staying in homeless shelters because they feared they would be mistreated as a transgender person, and still others were denied access to shelters due to their transgender status. *Id.* at 176.

A recent study indicates that housing discrimination against the transgender community is even more severe than these statistics reveal. Many landlords do not explicitly state that they are denying applicants housing based on their transgender status. *See* Jamie Langowski et al., *Transcending Prejudice: Gender Identity and Expression-Based Discrimination in the Metro Boston Rental Housing Market*, 29 YALE J.L. & FEMINISM (forthcoming 2017) (manuscript at 29-30), http://ssrn.com/abstract=2941810. Nevertheless, the practice is common and widespread. *Id.* at 6 (more than 60% of transgender participants in a controlled study experienced disparate treatment when seeking housing).

Consider Oliver's story. Oliver is a 21-year-old engineering student living in Davis, California—a state that provides antidiscrimination protection to transgender residents. *See Stories of Discrimination*, *supra*. Before the start of school, Oliver began reaching out to landlords to find housing near campus. *Id.* At first, Oliver received positive responses over email. *Id.* But once Oliver mentioned identifying as transgender, each landlord would either stop responding or state that they did not want to rent to

a transgender person. *Id.* Oliver was terrified of becoming homeless and, determined to avoid it, made plans to live at a nearby campground in a tent if necessary. *Id.* Five days before losing his existing housing, Oliver finally found space in a complex for queer and disabled individuals. *Id.* The discrimination took a profound toll on this promising young student. It triggered depression and exacerbated Oliver's existing post-traumatic stress disorder ("PTSD"). *Id.* As a promising student preparing to contribute to his country's economic and civic life, Oliver should not have been forced to stare down the possibility of being homeless.

Oliver is not alone. Rachel Smith and her family also faced discrimination based on her transgender status when searching for a house to rent. *Smith v. Avanti*, 249 F. Supp. 3d 1194 (D. Colo. 2017). Rachel's family wanted to rent a townhouse in Gold Hill, Colorado, but they were turned down in part because of their "uniqueness." *Id.* at 1198. The landlord explained that she wanted to keep a "low profile" and claimed she had discussed the TGNC issue with an acquaintance. *Id.* As a result of this discrimination, Rachel's family could only find a rental in a lower-quality school district located an hour from Rachel's job. *Id.* Rachel sued the landlord under both federal and Colorado antidiscrimination law, and she won. *Id.* at 1203. Again, the consequences of this Court's ratification of a First Amendment carve-out from antidiscrimination laws would be dramatic and far-reaching for families like Rachel's.

Similarly, Sabrina Wilson was ejected from a residential drug treatment program because she was transgender. As a result, she was required to spend two and a half years in prison. *See Wilson v. Phoenix House*, 978 N.Y.S.2d 748, 752 (N.Y. Sup. Ct. 2013). Sabrina was arrested for a drug offense in New York in 2008. *Id.* at 751. As a first offender, she was able to enter a residential treatment program at Phoenix House as an alternative to prison. *See id.* She excelled there during the first month, despite the program's refusal to allow her to dress consistent with her gender identity. *See id.* at 751-52. During her fourth week in the program, however, Sabrina was informed that the director of her unit believed she should be transferred to a different program. *See id.* at 752. He determined that her needs could not be met at Phoenix House due to her transgender status. *See id.* A counselor told Sabrina that if a suitable program could not be located, she would most likely be sent to jail. *Id.* That is exactly what happened. After leaving Phoenix House and having no other program to accept her, Sabrina was sentenced to over two years in prison. *Id.*

Kristiana Thomas also faced explicit discrimination in her housing search. She was first ignored and then berated by the owner of Space Hunters, a room listing service in New York. *See* Report & Recommendation, *Comm'n on Human Rights v. Space Hunters, Inc.*, OATH Index No. 997/04 (N.Y.C. Office of Admin. Trials & Hr'gs May 31, 2005). Kristiana was working as a VISTA volunteer for Americorps, during which time she lived on a poverty-level stipend while fighting hunger in her community. *See id.* at 3. One of her coworkers at the program re-

ferred her to Space Hunters. *See id.* At first, she was refused entry to the Space Hunters building. *See id.* When she was finally able to get in, the owner informed her that "there are no laws protecting transsexuals against discrimination" and "that his agency and his clients do not deal with transsexuals." *Id.* Horrified but acting with bravery, Kristiana complained to the New York Commission on Human Rights. *Id.* The state Administrative Law Judge recommended a civil penalty of $15,000 for Space Hunters' violation of New York civil rights law, and recommended an award of $7,500 to Kristiana "for mental anguish" caused by the incident. *Id.* at 1. At the time of the hearing, Kristiana had been relegated to living in a men's shelter. *Id.*

Even nonprofit shelters, however, often deny homeless transgender individuals service. At one listening session held by the Department of Housing and Urban Development and the U.S. Interagency Council on Homelessness, a participant "reported that, in her community, transgender women are excluded from the women's shelter, and conditions for them are so dangerous at the men's shelter that the shelter forces them to try to disguise their gender identity." Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs, 80 Fed. Reg. 72,642, 72,644 (Nov. 20, 2015). One respondent to the 2015 U.S. Transgender Survey explained, "When I go to shelters, I am admonished and told that I should re-

turn to 'being a woman' in order to use the shelter system." *See* James et al., *supra*, at 179.[7]

Lakeisha Washington understands that experience. Lakeisha is a transgender woman of color who, in April 2013, was homeless in Washington, D.C. *See* Complaint at ¶¶ 1-2, *Washington v. New Hope Ministries, Inc.*, No. 13-0002494 (D.C. Super. Ct. Apr. 5, 2013). Needing a place to sleep for the night, Lakeisha went to the John L. Young Center for Women. *Id.* at ¶ 8. She was forced to leave because the shelter did not accommodate transgender women. *Id.* at ¶ 14 (quoting the shelter, "We don't do transgenders here."). Fortunately for Lakeisha, a municipal law prohibited discrimination on account of gender identity. Lakeisha decided to stand up for the TGNC community and was able to bring a successful lawsuit. *See* Order Granting Temporary Restraining Order, *Washington* (Apr. 12, 2013), *supra* (requiring the city to allow transgender women to access the facility). The shelter later changed its policy to allow transgender women to access the homeless shelter. *See* Lou Chibbaro Jr., *D.C. Shelter Drops Ban on Trans Women*, WASHINGTON BLADE (Apr. 14, 2013, 6:09 PM), http://www.washingtonblade.com/2013/04/14/dc-shelter-drops-ban-on-trans-women. Were the Court to permit First Amendment exceptions to such laws, however, Lakeisha and her peers might face tragically different outcomes.

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[7] *See also Stories of Discrimination*, *supra* (chronicling Tee's story of bouncing between shelters and struggling to find housing).

C. Discrimination in Medical Care Is Pervasive

For members of the TGNC community, the ability to access quality, affordable medical care can mean the difference between life and death. Health care is not only one of the most important public accommodations but also one of the most sensitive. Medical professionals frequently encounter patients at their most vulnerable. Yet transgender and TGNC individuals often face severe discrimination and harassment when attempting to access these essential services.

In the past year alone, one-third of transgender individuals report having a negative experience with a health care provider related to their gender identity. *See* James et al., *supra*, at 93. These experiences ranged from verbal harassment to physical or sexual abuse, to difficulties receiving appropriate care and, in some cases, a flat refusal to treat transgender patients. *See id.* at 97. Health care providers frequently demonstrate a level of discomfort or inexperience with treating transgender patients. *See id.* at 93. If they are permitted to discriminate against those patients, transgender individuals will undoubtedly face greater health risks as a result.

Discrimination in medical care has negative consequences even beyond the acute impact on transgender individuals' diagnoses and treatment. Nearly a quarter of respondents to the 2015 U.S. Transgender Survey reported that in the past year, they had not seen a doctor when they needed to be-

cause they feared being mistreated as a trans person. *Id.* Given the importance of preventive care, it is no surprise that discrimination in health care has been found to contribute to negative physical and mental health outcomes for transgender people. Such discrimination has been linked, for example, to the LGBTQ community's higher rates of HIV/AIDS, cancer, suicide, and mental health issues. *See* Erin E. Shick, *Transgender Health Benefits*, BENEFITS MAG., Dec. 2016, at 18, http://www.ifebp.org/inforequest/ifebp/0200364.pdf.

One transgender man who faced starkly greater health risks due to his gender identity is Jay Kallio. In 2008, Jay went in for a routine breast cancer exam. *See* Colleen Curry, *Navigating Cancer as a Trans Person Is a Nightmare*, NEWSWEEK (July 21, 2016, 7:10 AM), http://www.newsweek.com/2016/07/29/cancer-transgender-health-hormone-therapies-482423.html. Some weeks later, Jay received a call from a radiologist asking how he was doing with his recent diagnosis. *See id.* Jay's doctor had completely failed to inform him that his mammogram showed a particularly aggressive form of cancer, for which even a brief delay in treatment can be deadly. *See id.* Even after Jay received this terrifying information, his doctor would not return Jay's calls for weeks. When Jay finally did speak to him, the doctor made clear he was uncomfortable with Jay's transgender status and explained avoiding Jay's calls by saying that his first impulse was to recommend psychiatry rather than chemotherapy or radiation. *See id.* Fortunately, Jay was able to find another doctor in time to treat his breast cancer, and since then Jay has provided free training to hospital

staffs on LGBTQ patient treatment. *See* Ryan Buxton, *This Trans Man's Breast Cancer Nightmare Exemplifies the Problem with Transgender Health Care*, HUFFINGTON POST (June 15, 2015, 5:06 PM), https://www.huffingtonpost.com/2015/06/15/transgender-health-care_n_7587506.html. But the discrimination he faced could have had fatal consequences.

Jakob Rumble similarly received delayed treatment due to his transgender status. Jakob is a transgender man who, at nineteen years old, sought emergency treatment at Fairview Southdale Hospital in Edina, Minnesota. Jakob later brought a lawsuit due to medical mistreatment, which the parties settled. *See* Minute Entry, *Rumble v. Fairview Health Servs.*, No. 0:14-cv-02037-SRN-FLN (D. Minn. May 26, 2017) (noting confidential settlement); Order Denying Motions for Summary Judgment, *id.* (May 12, 2017). According to the complaint, after a discussion with the emergency-room clerk regarding his gender, Jakob waited seven hours to be admitted—a wait time that hospital staff acknowledged was unusual—despite his severe pain and high temperature. Complaint at ¶¶ 28-37, 49-51, *id.* (June 20, 2014). A doctor later told Jakob's mother that "he was very sick" and "would have been septic within 12 to 24 hours when you brought him in and he could have died." *Id.* at ¶ 59. Jakob also was subjected to an extremely and unnecessarily painful examination by a physician who, behaving in a hostile and aggressive manner, ignored his repeated pleas to stop. *Id.* at ¶¶ 38-48. After this experience, Jakob's mother believed she could not leave him alone in the hospital, as both she and Jakob feared what might happen if she were not present.

Id. at ¶¶ 51-52. She stayed with Jakob for days, sleeping on a chair at night, until he was finally released. *Id.* at ¶ 52. Jakob is now afraid of doctors and fearful of seeking medical attention even when he is ill. *Id.* at ¶ 64.[8]

Jerianne, like Jakob, suffered mistreatment that appeared to be linked to her transgender status while seeking attention at a hospital. A transgender woman who lives in California, Jerianne was admitted to the hospital after being brutally beaten by her son-in-law. *See Stories of Discrimination*, *supra*. As she waited in the hospital hallway, a doctor approached her and told her to strip. *Id.* When Jerianne explained that she did not want to undress in the hallway, the doctor opened the door to an examination room and pointed for her to go inside. *Id.* She did so and attempted to ask a question, but the doctor refused to enter the room. *Id.* He stood at the doorway, telling her he was ordering an X-ray. *Id.* When the test was complete, the doctor again refused to enter the room, but informed Jerianne from the doorway that she had a broken neck and that someone would be in to give her a neck brace. *Id.* At that point, he abruptly walked away. *Id.* After receiving such callous treatment by the doctor, Jerianne was harassed by others at the hospital, including police officers to whom she attempted to report the beating. *Id.* The mistreatment compounded the

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[8] For additional stories of delayed and denied medical treatment, see *Stories of Discrimination*, *supra* (discussing, among other things, Jamie's story of delayed treatment that could have resulted in deadly consequences).

physical and emotional pain of the beating. *Id.* Jerianne went home that night and attempted suicide. *Id.* Thankfully, she survived and has since found support. *Id.* Indeed, she is now the source of tremendous encouragement for many others as the executive director of an LGBTQ center in California. *Id.* Still, she remains haunted by that night in the hospital and now drives more than an hour away for medical care due to fear of further mistreatment. *Id.* The unjust challenges that transgender people already face in accessing quality, affordable health care would only be compounded if providers were able to assert a First Amendment right to discriminate against them.

D. Discrimination in Other Public Accommodations Is Pervasive

Discrimination in other public accommodations is also commonplace, and has been from the inception of the transgender rights movement. *See, e.g.*, Elizabeth Zach, *Uncovering Gay History in San Francisco*, N.Y. TIMES, Aug. 16, 2016, https://www.nytimes.com/2016/08/21/travel/san-francisco-gay-history.html (discussing an early incident in the transgender civil rights movement when transgender women were expelled from Compton's Cafeteria in San Francisco). Today, discrimination occurs in all types of accommodations—from hotels to restaurants, and from stores to banks. Over 30% of transgender individuals were denied equal treatment, verbally harassed, or physically attacked when visiting a retail store, restaurant, hotel, or theater where employees thought or knew they were transgender. *See* James et al., *supra*, at 215. Among

transgender people of color, instances of discrimination are even more common. *Id.*

For the transgender community, discrimination in hotels and restaurants can make travel daunting. For Meagan Taylor, travel was traumatizing. In 2015, Meagan and her best friend, both of whom are African-American transgender women, were traveling from Illinois to Kansas for a funeral when they stopped at a hotel in West Des Moines, Iowa. *See Iowa Civil Rights Commission Complaint on Behalf of Meagan Taylor*, ACLU (June 28, 2016), https://www.aclu.org/cases/iowa-civil-rights-commission-complaint-behalf-meagan-taylor. Because Meagan and her friend were transgender, the hotel staff assumed they were engaging in prostitution and called the police. *Id.* The police arrested Meagan for possessing hormone pills without a prescription, because she had left her prescription in Illinois. *Id.* She was held in custody for eight days, no charges for prostitution were ever filed, and she missed the funeral she was traveling to attend. *Id.*; *see also Meagan Taylor, Black Trans Woman Arrested and Held in Isolation, Now Free*, TRANSGENDER LAW CTR. (July 22, 2015), https://transgenderlawcenter.org/archives/11786. Meagan, however, refused to allow this injustice to go unnoticed. She sued the hotel, which settled, and has since been an outspoken advocate for transgender rights. *See* Zach Stafford, *Transgender Woman Settles Case Against Hotel That Got Her Jailed for Eight Days*, THE GUARDIAN (June 29, 2016, 6:44 PM), https://www.theguardian.com/us-news/2016/jun/29/transgender-woman-meagan-taylor-iowa-hotel.

For transgender individuals, discrimination in places of public accommodation can make even routine tasks challenging. Lizzi Duff, a transgender woman living in Seattle, for example, was denied access to her bank account over the phone because her voice sounded "too manly." *See* Anton Nilsson, *Transgender Woman Sues Seattle Bank After Being Denied Service over the Phone Because Her Voice Sounded Too Manly*,' DAILY MAIL (Jan. 27, 2016, 12:26 PM), http://www.dailymail.co.uk/news/article-3419593/Transgender-woman-sues-Seattle-bank-denied-service-phone-voice-sounded-manly.html. The bank refused to meet with Lizzi or apologize for the incident. *Id.*

All across the country, transgender individuals are discriminated against by restaurants and places meant for socialization. For example, Jenny Reid and Victoria Rose, two transgender women, were asked by a restaurant's manager to leave in the middle of their dinner due to their transgender identity. *See* Matt Wood, *California Restaurant Kicks Out Trans Women, Eats Humble Pie*, TRANSGENDER LAW CTR. (Dec. 5, 2012), https://transgenderlawcenter.org/archives/2713. The women reached out to Transgender Law Center ("TLC"), which provided assistance and informed them that California's public accommodation law protected them from discrimination. *Id.* Shortly thereafter, Jenny called the restaurant and demanded an apology, a refund for the food not finished, and a promise that the staff would be trained not to discriminate. *Id.* In less than 24 hours, Jenny received a personal apology and a refund. *Id.* She was later informed that the chain of restaurants would institute sensitivity training for all staff due to her advocacy. *Id.*

Similarly, Arian Ramirez Manzanarez, a transgender female living in Chicago, went to a local restaurant to meet with a group of friends but was denied entry because the gender on her identification card did not match her appearance. *See* Final Order on Liability and Relief ¶¶ 4-5, *In re Manzanares v. Lalo's Restaurant*, No. 10-P-19. (Chi. Comm'n on Human Relations May 16, 2012). The employee who denied her entry mocked her appearance and made disparaging comments about which bathroom she would use. *Id.* In 2015 in Arizona, Brianna Sandy, a transgender woman, went to a local bar to see American Pharaoh race in the Belmont Stakes. *See* Aliza Chasan, *Transgender Woman Says She Was Denied Service at Arizona Bar*, N.Y. DAILY NEWS, June 8, 2015, http://www.nydailynews.com/news/National/transgender-woman-denied-service-arizona-bar-article-1.2251000. However, she was told by the bartender that the establishment did not serve "her kind." *Id.* And Tyler Grant—a TGNC college student at the University of Texas Austin—was similarly denied entry to Whataburger for wearing women's clothing. *See UT Student Who Was Denied Entrance Accuses Whataburger of Transgender Discrimination*, AUSTIN AMERICAN-STATESMAN (Apr. 14, 2015), http://austin.blog.statesman.com/2015/04/14/ut-student-who-was-denied-entrance-accuses-whataburger-of-transgender-discrimination.

The discrimination suffered by Jenny, Victoria, Arian, Brianna, and Tyler is not rare. TGNC individuals are forced to confront and overcome such obstacles to their full participation in civic and economic life every day. Robust antidiscrimination

laws, enforced as written, are necessary to ensure that the transgender community is given full and equal access to places of public accommodation.

E. Discrimination Often Leads to Violence

Unfortunately, the consequences of discrimination in the public marketplace and elsewhere reach even farther than the denial of the right to engage in ordinary economic transactions. When transgender individuals are denied access to vital services, they are forced to seek resources elsewhere. Many transgender individuals, for example, end up on the streets due to housing discrimination. *See* James et al., *supra*, at 176. There, transgender individuals may face heightened rates of violence and crime.[9] Forty-six percent of respondents to the 2015 U.S. Transgender Survey, for example, report being verbally harassed, and 9% report being physically attacked within the last year alone. *See* James et al., *supra*, at 2-3. During that same time period, 10% of respondents were sexually assaulted, and nearly half reported being sexually assaulted at

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[9] Indeed, homelessness is one of the key reasons that young people become involved in dangerous underground economies. *See generally* Meredith Dank et al., URBAN INST., *Surviving the Streets of New York: Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex* (2015), http://www.urban.org/research/publication/surviving-streets-new-york-experiences-lgbtq-youth-ymsm-and-ywsw-engaged-survival-sex. Nationally, 48% of transgender people reporting involvement in such underground street economies also report homelesaness. *See* Grant et al., *supra*, at 65.

some point in their lifetime. *Id.* Moreover, the murder rate of TGNC individuals continues to climb. *See* Adams, *supra.* And a shocking number of transgender individuals end up being trafficked or engaging in criminalized economies just to scrape by. *See* Lynly S. Egyes, *Borders and Intersections: The Unique Vulnerabilities of LGBTQ Immigrants to Trafficking, in* BROADENING THE SCOPE OF HUMAN TRAFFICKING 181-82 (Eric C. Heil & Andrea J. Nichols eds., 2016) (describing how employment discrimination often forces individuals into criminalized economies like sex work to survive).[10]

It is not unusual, when facing rejection from landlords, shelters, restaurants, and even barbers, to feel that choices in life are limited. Take Jaime, for example. Jaime is a transgender Latina woman from South Central Los Angeles. *See Stories of Discrimination, supra.* After high school, she applied to college with an eye toward becoming a flight attendant. *Id.* She wanted to travel the world. *Id.* But the dean of the college she applied to informed her she could not attend the program or travel internationally because she was a transgender woman. *Id.* She was told a similar story when applying for a job with an airline. *Id.* Panicked, Jaime sought out the only work she thought she could get to make a

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[10] *See also* Egyes, *supra*, at 179-80 (documenting the story of Ellie, who was threatened with violence and trafficked by her romantic partner); *id.* at 183-84 (detailing the story of Gemma, a transgender Latina woman, who was trafficked as a result of seeking shelter with a man who later held her hostage).

living: in a brothel. *Id.* That was not the kind of work she wanted to engage in. *Id.* Later, Jaime tapped into her innate strength and decided to make a change. *Id.* She now works at a coffee shop and volunteers with her church. *Id.* Her story, however, illustrates an important point: When individuals feel unprotected by the law, they may do whatever they need to survive. For some, that may mean remaining in potentially violent or unhealthy situations.[11] For others, it may mean engaging in work they do not want to do. Despite the resilience and strength shown by countless TGNC survivors of violence and discrimination like Jaime, many do not feel they will find help if they seek it, and others reach out for assistance only to be disappointed or rejected. No one should face the stark rates of victimization and discrimination that the TGNC community confronts.

This Court should not underestimate the impact of a decision curtailing protections for the TGNC community. While this case involves a wedding cake—an important element of one of life's most cherished celebrations—others involve services that are even more basic. And the denial of those services can have a profound physical and emotional impact on the lives of transgender individuals.

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[11] Nearly half of transgender people surveyed report they are uncomfortable seeking help from the police. *See* Grant et al., *supra*, at 158.

III. RELIGIOUS OBJECTIONS ARE SOMETIMES INVOKED AS A BASIS TO DISCRIMINATE AGAINST THE TRANSGENDER AND GENDER NON-CONFORMING COMMUNITY

As the stories above indicate, transgender individuals face discrimination every day. Although many survive and overcome those obstacles with grace and courage, no one should be forced to endure such a constant struggle simply to live authentically and engage in day-to-day activities. As has too often been the case throughout our country's history, this discrimination is often premised on religious objections—whether in the sphere of public accommodations or elsewhere.[12]

Joanne also knows firsthand how it feels to be discriminated against on the basis of religious objections. Joanne is a 46-year-old member of the transgender community living in Colorado. *See Stories of Discrimination, supra.* She is of Native American and Scottish ancestry. *Id.* In 2015, Joanne was working at a local restaurant and did so without incident until a new manager began using her religious beliefs as a basis to target and harass Joanne.

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[12] *Amici* recognize, of course, that religious views about TGNC individuals vary, and many people of faith support the equal treatment of TGNC people. *See, e.g.*, Meeting Minutes, House Admin. Comm. of the Del. House of Representatives 5 (June 12, 2013) (minister's statement in favor of transgender antidiscrimination protections referring to a "Christian duty to protect those without protection and to love each child of God").

Id. The manager's treatment of Joanne eventually spread throughout the workplace, and other employees began harassing Joanne and raising religious objections to her presence at work. *Id.* One day, as Joanne attempted to fix a leak in the restaurant office, a coworker physically obstructed her and ultimately attacked her. *Id.* Joanne contacted the police, who stated they could not provide assistance to transgender individuals. *Id.* Joanne's colleagues soon began to argue more aggressively that she should not be allowed to exist as a transgender individual based on religious precepts. *Id.* She was again attacked, this time in the kitchen. *Id.* Ultimately, Joanne was fired, seemingly based on her gender identity. *Id.* She now fears being around others due to the harassment she suffered at the hands of her coworkers. *Id.*

Jaisee's experience is similar. Jaisee is a transgender woman born and raised in a Christian family in North Carolina. *Id.* Like so many others, Jaisee's identity as a Christian is important to her. *Id.* Jaisee's deeply held beliefs made it all the more devastating when her coworkers at Boone Hill Farms in North Carolina began using their own religious beliefs as a reason to harass and discriminate against her. *Id.* Jaisee was just 17 years old when her coworker gave her a Bible and told her she was an "abomination" because of her gender expression. *Id.* Jaisee needed her job and was therefore forced to continue working under such conditions. *Id.* But the experience left Jaisee feeling vulnerable and questioning her own Christian faith. *Id.*

Zachary, a black transgender man, was born in Detroit, Michigan. *Id.* At 16 years old, Zachary was kicked out of his house and forced to live on the streets and in homeless shelters. *Id.* Despite these challenges, Zachary finished high school and joined the Army. *Id.* Unfortunately, like too many veterans, Zachary's service left him with PTSD. *See id.* Yet, after leaving the military, Zachary persevered and began working for AT&T. *Id.* Soon, though, Zachary's store manager, who was a pastor for the Church of God in Christ, began harassing him. *Id.* Zachary believed that the harassment was linked to the supervisor's religious beliefs. *See id.* Zachary was also routinely mistreated by other staff. *Id.* As the harassment intensified, Zachery turned to his store manager for help. *Id.* The manager refused, informing Zachary: "If you were not trying to be deceptive pretending to be a man, then there wouldn't be a problem with anyone." *Id.* Eventually, the harassment intensified further, triggering Zachary's PTSD and deepening his depression. *Id.* The depression and anxiety were ultimately so exacerbated that Zachary had to be hospitalized for eight days.[13] *Id.*

Transgender individuals may encounter religious-objection-based discrimination at every turn, often when trying to accomplish tasks necessary to daily life—like getting a driver's license. In April

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[13] *See also Stories of Discrimination*, *supra* (describing the religious objections Cal, a transgender teen living in California, encountered when attempting to institute reforms at school).

2013, Allison, a transgender woman of Cambodian heritage living in California, went to the Department of Motor Vehicles ("DMV") to obtain a license that reflected her gender identity. *Id.* What should have been a simple, routine procedure turned into a traumatizing experience. The DMV employee assigned to assist Allison began verbally berating her on account of her gender identity. She repeatedly used God to threaten Allison, yelling that Allison needed to "change her life for God" and ask for his "forgiveness." *Id.* The worker yelled at Allison so loudly that all in the DMV could hear, including a few of Allison's colleagues who happened to be at the DMV that day and did not know Allison was transgender. *Id.* Allison was publicly humiliated. Because of this employee's erratic and discriminatory behavior, Allison is now deeply concerned when accessing any basic services for fear that employees will invoke similar religious beliefs as a basis for denial of public services. *Id.* Beyond that, Allison has anxiety at work for fear that her employer or colleagues will discriminate against her. *Id.* And the only thing Allison wanted was a driver's license.

* * *

Transgender individuals deserve to live free of discrimination and to use public spaces and services with the same dignity accorded to their non-transgender peers. It is precisely the type of antidiscrimination law at issue in this case that allows them to do so—to get haircuts, to go to restaurants, to shop for custom clothing for special events, to find housing or health care, or even to purchase cakes for special occasions—and gives them a remedy in the

event discrimination occurs. A safe harbor for discrimination in the public marketplace based on "expressive" or religious objections would gut the necessary protection these laws afford to the TGNC community, as well as others. Instead of creating a new carve-out from antidiscrimination laws, this Court should take the same approach it used when confronting the same issue decades ago, in the context of race: Laws prohibiting discriminatory conduct must be enforced as written.

CONCLUSION

For the foregoing reasons, *amici* respectfully urge this Court to affirm the judgment of the Court of Appeals.

Respectfully submitted,

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APPENDIX

APPENDIX

Amici Curiae

Transgender Law Center ("TLC") is the largest national trans-led organization advocating self-determination for all people. Grounded in legal expertise and committed to racial justice, TLC employs a variety of community-driven strategies to keep transgender and gender nonconforming ("TGNC") people alive, thriving, and fighting for liberation. TLC believes that TGNC people hold the resilience, brilliance, and power to transform society at its root, and that the people most impacted by the systems TLC fights must lead this work. TLC builds power within TGNC communities, particularly communities of color and those most marginalized, and lays the groundwork for a society in which all people can live safely, freely, and authentically regardless of gender identity or expression. TLC works to achieve this goal through leadership development and by connecting TGNC people to legal resources. It also pursues impact litigation and policy advocacy to defend and advance the rights of TGNC people, transform the legal system, minimize immediate threats and harms, and educate the public about issues impacting our communities.

Southerners On New Ground ("SONG") is a regional Queer Liberation organization comprised of people of color, immigrants, undocumented people, people with disabilities, working class, rural, and small town LGBTQ people in the South. Since 1993, SONG has been known, both regionally and nationally, for its organizing and training work across is-

sues of race, class, gender, culture, and sexuality with both LGBTQ people and their allies. SONG builds, sustains, and connects a southern regional base of LBGTQ people. It aims to transform the region through strategic projects and campaigns developed in response to the current conditions in local communities. SONG builds its movement through leadership development, intersectional analysis, and organizing.

GSA Network is a next-generation LGBTQ racial and gender justice organization that empowers and trains queer, trans, and allied youth leaders to advocate, organize, and mobilize a movement for safer schools and healthier communities. GSA Network's strategy for fighting for educational justice involves working with grassroots, youth-led groups and GSAs. GSA Network empowers those groups to educate their schools and communities, advocate for just policies that protect LGBTQ youth from harassment and violence, and organize in coalition with other youth groups to address broader issues of oppression. Our resources and trainings are designed to facilitate coalition building.

Translatina Network is a national organization working to gain equal and lasting rights for all Latina transgender women at the local, state, and federal levels. Founded in 2007, Translatina Network is made up of trans individuals working to promote the healthy development of transgender Latina communities. Through the delivery of a wide range of information about services and events, educational outreach, and capacity building resources, Translatina Network supports individuals in main-

taining personal wellness and developing leadership skills. The organization's work also allows for the creation of safe and productive spaces for transgender women that are free of discrimination. Translatina Network addresses the collective concerns of Latina transgender women including: recognizing the rights of Latina transgender women, giving a voice to the voiceless, and advocating for change by promoting a direct connection to policy makers.

Affiliated Programs

TRUTH launched in 2015 as a joint program of the Transgender Law Center and GSA Network. TRUTH seeks to build public empathy and understanding around trans youth issues by providing guidance and a platform for youth and families to share their stories effectively and authentically. It also creates infrastructure for TGNC youth to support each other, connect, and strategize about how to use media and storytelling as a tool for liberation.

Positively Trans (T+) is a constituent-led project of the Transgender Law Center grounded in the principle that TGNC people are capable of forming our own network, telling our own stories, and developing our own advocacy strategies in response to inequities, stigma, and discrimination. By partnering with a National Advisory Board of community leaders, T+ seeks to mobilize and promote resilience of TGNC people most impacted by or living with HIV/AIDS, particularly TGNC people of color. It does so through research, policy advocacy, legal advocacy, and leadership strengthening.